

Roll Call, December 15, 2005

Incensed that ex-Rep. Duke Cunningham (R-Calif.) will continue to pocket tens of thousands of taxpayers' dollars from his Congressional pension even if he serves a prison sentence for accepting bribes, a quartet of House lawmakers each introduced legislation this week that would strip Members of their retirement benefits for similarly violating the law.

While the proposals vary - some focus solely on Members while another would extend sanctions to all federal employees - all of the measures would eliminate Congressional pensions for those lawmakers who run afoul of federal law. Under existing rules, only those Members convicted of "high crimes," such as treason, automatically lose their benefits.

"It sets everybody on notice that, in the future, if you are charged with a felony, your pension will be canceled on final conviction," said Rep. Mark Kirk (Ill.), one of three Republicans who introduced legislation on the subject Wednesday.

Republican Reps. John Shadegg (Ariz.) and Lee Terry (Neb.) also unveiled proposals Wednesday, with each member of the trio saying that he will support the others' legislation. Another measure was put forth Tuesday by Democratic Rep. Frank Pallone (N.J.).

Among the proposals, the Nebraska lawmaker's is the most far-reaching, applying punishment equally to Members as well as all federal employees, regardless of rank or pay level.

"If this truly is to restore the public's trust, you need to do it not just in Congress but through all of the government," Terry said.

He added: "I think I should be held to a higher level because I'm elected. ... But nonetheless, if you're embezzling the taxpayers' money, and in essence using your position to do that, you should have to pay the price, too."

While existing federal regulations abolish pensions for government employees who are found in

violation of "national security laws," Terry's proposal would expand the law to include "white collar" offenses such as bribery, solicitation of gifts or campaign contributions, and perjury.

"The amount of angst by Republican Members against Duke Cunningham is immeasurable right now," acknowledged Terry, who co-sponsored a similar bill in 2003 to deny pensions to House Members if they are expelled from the chamber.

"We are just angry," he added.

While Kirk's proposal would similarly expand the federal statute to include violations such as bribery, solicitation and tax evasion, it, unlike Terry's measure, would apply only to Members.

"When I started looking into it, I wanted Congressmen and women to have a higher standard than everyone else," said Kirk, who based his proposal on a measure approved in 1996 by an overwhelming majority of House lawmakers. That measure later stalled in the Senate.

"The beauty of denying a pension to a Member convicted of a felony is that the price of violating the law increases with seniority," Kirk added.

House and Senate lawmakers are eligible to receive a pension if they are at least 62 and have at least five years of service under their belt; if they are 50 years or older and have served for two decades; or if they are of any age but have completed at least 25 years.

Members may participate in one of two pension plans - the Civil Service Retirement System or the newer Federal Employees' Retirement System - depending on what year they were elected to Congress. Lawmakers may also enroll in the Thrift Savings Plan, a voluntary retirement system open to all federal employees that operates like a 401(k) plan.

According to estimates provided by the National Taxpayers Union, Cunningham, 64, will likely receive about \$36,000 annually in payments. (Actual amounts are not available because

pension-benefit information is not publically accessible.)

The pension status of Cunningham, who pleaded guilty to charges that he accepted millions of dollars in bribes while in office, would not be affected by the proposed changes. Nor would those of other convicted ex-lawmakers, such as Ways and Means Chairman Dan Rostenkowski (D-Ill.).

The proposal by Shadegg is the most narrowly tailored of the four measures, maintaining the current regulations while adding bribery, conspiracy to commit bribery and perjury in connection to bribery to the list of violations.

"I want to send a very clear message that a Member of Congress that engages in this kind of conduct should forfeit their pension," Shadegg said Wednesday.

"They do an immense disservice to those who are trying to do the right thing in their jobs," he added. "I think it is an outrage for someone to engage in this conduct and then be able to keep their pension."

Under Pallone's proposal, lawmakers convicted of corruption-related crimes would be similarly punished, as would the heads of executive branch agencies and the president. The measure also would increase jail penalties for those crimes.

In addition, the New Jersey lawmaker's legislation would establish a lifetime ban for lobbyists convicted of violating federal corruption laws, preventing them from conducting business with the federal government.

"It defies reason to allow a government official access to a pension after they've been found guilty of cheating the American taxpayer," Pallone said in a statement.

It is not yet clear whether House leadership will support any of the measures. A spokeswoman

for Speaker Dennis Hastert (R-Ill.) said the legislation is under review.

But Terry said he expects widespread support for the measure from both sides of the aisle.

"This is the type of bill that could be done on [the] suspension [calendar] this week, if the leadership so wanted to do it that way," he said, referring to the schedule of votes for relatively noncontroversial matters.